

Article 2. Compliance with the Manifest System and Recordkeeping**§66263.20. Manifest Procedures for the Transporter.**

(a) A transporter shall not accept hazardous waste from a generator unless it is accompanied by a manifest completed and signed in accordance with the provisions of article 2, chapter 12 of this division. In the case of RCRA hazardous waste exports other than those subject to Subpart H of 40 CFR Part 262 or this article, a transporter shall not accept such waste from a primary exporter or other person (1) if the transporter knows the shipment does not conform to the USEPA Acknowledgment of Consent; and (2) unless, in addition to a manifest signed in accordance with the provisions of article 2, chapter 12 of this division, such waste is also accompanied by an USEPA Acknowledgment of Consent which, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)). For exports of hazardous waste subject to the requirements of Subpart H of 40 CFR Part 262, or this article, a transporter shall not accept hazardous waste without a tracking document that includes all information required by 40 CFR section 262.84 or section 66262.84.

(b) Before transporting the hazardous waste, the transporter shall complete, sign and date the Transporter of Waste section of the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter shall return a signed copy to the generator prior to removal of the waste from the generator's facility.

(c) The transporter shall ensure that the manifest accompanies the hazardous waste. In the case of RCRA hazardous waste exports, the transporter shall ensure that a copy of the EPA Acknowledgment of Consent also accompanies the hazardous waste.

(d) The transporter shall have a manifest in the transporter's possession while transporting the hazardous waste and shall release the manifest to the owner or operator of the hazardous waste facility accepting the waste.

(e) A transporter transporting hazardous wastes into or out of the State shall have in their possession a manifest with the Generator of Waste and Transporter of Waste sections completed.

(f) The transporter shall submit to the Department a legible copy of the manifest completed by the generator, transporter and hazardous waste facility owner or operator for each load of hazardous waste transported out of the State, within 15 days of the date that the load is accepted by the designated facility on the manifest. The manifest shall state the name and complete address of the hazardous waste facility to which the waste is transported.

(g) A transporter who delivers a hazardous waste to another transporter or to the designated facility shall:

(1) obtain the date of delivery and the handwritten signature of that transporter or of the owner or operator of the designated facility on the manifest; and

(2) retain one copy of the manifest in accordance with section 66263.22; and

(3) give the remaining copies of the manifest to the accepting transporter or designated facility.

(h) The requirements of subsections (c), (g) and (i) of this section do not apply to water (bulk shipment) transporters if:

(1) the hazardous waste is delivered by water (bulk shipment) to the designated facility; and

(2) a shipping paper containing all the information required on the manifest (excluding the Identification Numbers, generator certification, and signatures) and, for RCRA hazardous waste exports, an EPA Acknowledgment of Consent accompanies the hazardous waste; and

(3) the delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper; and

(4) the person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and

(5) a copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with section 66263.22.

(i) For shipments involving rail transportation, the requirements of subsections (c), (e), (g) and (h) do not apply and the following requirements do apply:

(1) when accepting hazardous waste from a non-rail transporter, the initial rail transporter shall:

(A) sign and date the manifest acknowledging acceptance of the hazardous waste;

(B) return a signed copy of the manifest to the non-rail transporter;

(C) forward at least three copies of the manifest to:

1. the next non-rail transporter, if any; or,

2. the designated facility, if the shipment is delivered to that facility by rail; or

3. the last rail transporter designated to handle the waste in the United States;

(D) retain one copy of the manifest and rail shipping paper in accordance with section 66263.22.

(2) Rail transporters shall ensure that a shipping paper containing all the information required on the manifest (excluding the Identification Numbers, generator certification, and signatures) and, for exports of RCRA hazardous waste an EPA Acknowledgment of Consent accompanies the hazardous waste at all times. Intermediate rail transporters are not required to sign either the manifest or shipping paper.

(3) When delivering hazardous waste to the designated facility, a rail transporter shall:

(A) obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

(B) retain a copy of the manifest or signed shipping paper in accordance with section 66263.22.

(4) When delivering hazardous waste to a non-rail transporter a rail transporter shall:

(A) obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and

(B) retain a copy of the manifest in accordance with section 66263.22.

(5) Before accepting hazardous waste from a rail transporter, a non-rail transporter shall sign and date the manifest and provide a copy to the rail transporter.

(j) Transporters who transport hazardous waste out of the United States from the State of California shall:

(1) indicate on the manifest the date the hazardous waste left the United States from the State; and

(2) sign the manifest and retain one copy in accordance with section 66263.22(c); and

(3) return a signed copy of the manifest to the generator; and

(4) for RCRA hazardous waste, give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.

NOTE: Authority cited: Sections 208, 25150, 25159, 25159.5, 25160, 25161 and 25162, Health and Safety Code. Reference: Sections 25150, 25159, 25159.5, 25160 and 25162, Health and Safety Code, 40 CFR Section 263.20.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

2. Change without regulatory effect amending subsection (a) filed 8-20-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 34).

§66263.21. Transporter Compliance with the Manifest.

(a) The transporter shall deliver the entire quantity of hazardous waste which that transporter has accepted from a generator or a transporter to:

(1) the designated facility listed on the manifest; or

(2) the alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

(3) the next designated transporter; or

(4) the place outside the United States designated by the generator.

(b) If the hazardous waste cannot be delivered in accordance with paragraph (a) of this section, the transporter shall contact the generator for further directions and shall revise the manifest according to the generator's instructions.

(c) Whenever hazardous waste is received by a facility from a transporter in a vehicle or bulk container that will be removed from the facility after emptying, the transporter shall determine by inspection whether the vehicle or bulk container is empty pursuant to section 66261.7 prior to the removal of the container from the facility.

(d) If the vehicle or bulk container cannot be rendered empty pursuant to section 66261.7 by equipment and methods available at the facility, the transporter shall contact the generator pursuant to subsection (b), prior to removing the vehicle or bulk container from the facility.

NOTE: Authority cited: Sections 208, 25150, 25159, 25159.5, 25160 and 58012, Health and Safety Code. Reference: Sections 25159, 25159.5, 25160 and 25162, Health and Safety Code; and 40 CFR Section 263.21.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

2. New subsections (c)-(d) and amendment of Note filed 10-19-2000; operative 11-18-2000 (Register 2000, No. 42).

§66263.22. Recordkeeping Requirements for the Transporter.

(a) A transporter of hazardous waste shall sign and keep a copy of the manifest signed by the generator and the next designated transporter or the owner or operator of the designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(b) For shipments delivered to the designated facility by water (bulk shipment), each water (bulk shipment) transporter must retain a copy of the shipping paper containing all the information required in section 66263.20(g)(2) for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(c) For shipments of hazardous waste by rail within, into, out of or through the State:

(1) the initial rail transporter within the State shall keep a copy of the manifest and shipping paper with all the information required in section 66263.20(h)(2) for a period of three years from the date the hazardous waste was accepted by the initial transporter; and

(2) the final rail transporter within the State shall keep a copy of the signed manifest (or the shipping paper if signed by the designated facility in lieu of the manifest) for a period of three years from the date the hazardous waste was accepted by the initial transporter. Intermediate rail transporters are not required to keep records pursuant to these regulations.

(d) A transporter who transports hazardous waste out of the United States from the State of California shall keep a copy of the manifest indicating that the hazardous waste left the United States for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(e) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Department.

NOTE: Authority cited: Sections 208, 25150, 25159, 25159.5, 25160 and 25161, Health and Safety Code. Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code, 40 CFR Section 263.22.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

§66263.23. Operation Requirements for the Transporter.

(a) The transporter of a hazardous waste shall comply with requirements of this division and with applicable provisions of hazardous materials regulations adopted by the Department of California Highway Patrol, article 3, commencing with section 1160, subchapter 6, chapter 2, title 13, California Code of Regulations, pursuant to sections 34500 and 34501, Vehicle Code, governing containers, packing, labels, marking, vehicle placards, shipping papers, loading, shipping certificates and incident reporting.

(b) No transporter shall deliver hazardous waste to other than a hazardous waste facility which has an appropriate and valid Hazardous Waste Facility Permit or which is otherwise authorized by the Department to receive the waste.

(c) The transporter shall use a covered container to transport hazardous wastes that are subject to volatilization or dispersal by wind.

(d) Every vehicle used by a transporter to transport hazardous waste shall have the name or trademark of the firm on each side of the vehicle or container. The lettering shall be a color contrasting with the background so as to be readily legible during daylight from a distance of 50 feet.

NOTE: Authority cited: Sections 208, 25150, 25168.1 and 58012, Health and Safety Code. Reference: Sections 25162, 25163, 25168, 25169.1, 25186 and 58012, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).
2. Change without regulatory effect repealing subsection (d), relettering subsections and amending NOTE filed 9-29-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 40).